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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Randy Burnworth
Serial No. : 10/665,930
Filed : September 19, 2003
For : SWITCHED INPUT VIDEO DEVICE
Group No. : 2622
Examiner : Michael Lee
Confirmation No. : 6824

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
DETERMINATION UNDER 37 C.F.R. § 1.705(b)

The Applicant respectfully requests that the Office reconsider the patent term adjustment determination for the above-identified patent application. In support, the Applicant submits the following:

1. In the Notice of Allowance dated November 2, 2009, the patent term adjustment was determined to be 344 days. The Applicant believes this determination to be in error.
2. The Applicant believes the correct patent term adjustment should be calculated as 390 days (an increase of 46 days).
3. This patent application was filed on September 19, 2003.
4. The first Office Action was mailed on May 15, 2006. The first Office Action was

therefore issued 542 days after fourteen months from the filing date (+542 days).

5. The three-year mark after filing is September 19, 2006. A request for continued examination was filed on July 21, 2008. As a result, the Applicant is entitled to a maximum additional adjustment of 671 days (+671 days) for the time between September 19, 2006 and July 21, 2008 to the extent that this time period does not overlap with other adjustments.

6. This application went unintentionally abandoned on November 15, 2006. A petition to revive was filed on July 12, 2007. Four months from that date is November 12, 2007. The time of abandonment between November 15, 2006 and November 12, 2007 results in a deduction of 362 days (–362 days).

7. Of the 671-day period, 362 days overlap, resulting in a net adjustment of 309 days (+309 days).

8. After the request for continued examination was filed on July 21, 2008, the Applicant filed a supplemental response on October 28, 2008. This results in a deduction of 99 days (–99 days).

9. The Applicant therefore believes the correct patent term adjustment should be calculated as 390 days (542 days – 362 day + 309 days – 99 days).

10. In the event the Applicant's calculation is incorrect and the Applicant is entitled to a patent term adjustment greater than 390 days, the Applicant respectfully requests the Office to determine and issue the proper patent term adjustment entitled to the Applicant.

Therefore, the Applicant respectfully requests that the Office reconsider the determination of patent term adjustment and find that the Applicant is entitled to a patent term

adjustment in the amount of 390 days.


If any issues arise, the Applicant respectfully invites the Office to contact the undersigned at the telephone number indicated below or at *btaylor@munckcarter.com*.

The Applicant has included the appropriate fee for this petition. The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK CARTER, LLP

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